

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

CAROL BELLE,	)	
	)	Case No. 2:09-cv-13902-RHC-MAR
Plaintiff,	)	District Judge Robert H. Cleland
	)	Magistrate Judge Mark A. Randon
vs.	)	
	)	
SUNBEAM PRODUCTS, INC., d/b/a Jarden	)	
Consumer Solutions,	)	
	)	
Defendant.	)	

---

Ronald M. Applebaum (P45199)  
Attorney for Plaintiff  
3000 Town Center, Suite 1800  
Southfield, MI 48075  
(248 351-2200)

---

Stephen T. Moffett (P32274)  
Thomas L. Vitu (P39259)  
Attorneys for Defendant  
255 E. Brown Street, Suite 340  
Birmingham, MI 48009  
(248) 646-5100

George E. McLaughlin  
Of Counsel for Plaintiff  
McDermott, Hansen & McLaughlin, LLP  
1890 Gaylord Street  
Denver, CO 80206  
Tel: (303) 399-6037  
Fax: (303) 322-3423

Thomas A. Smart  
Richard A. De Sevo  
Tricia M. Beckles  
Of Counsel for Defendant  
KAYE SCHOLER LLP  
425 Park Avenue  
New York, NY 10022  
Tel: (212) 836-8000  
Fax: (212) 836-8689

---

**STIPULATION FOR ENTRY OF ORDER ON DEFENDANT SUNBEAM'S  
MOTION TO DISMISS COUNTS I-III OF THE COMPLAINT**

-

WHEREAS Defendant Sunbeam Products, Inc., d/b/a Jarden Consumer Solutions ("Sunbeam"), moved the Court, pursuant to Fed. R. Civ. P. 12(c), for judgment on the pleadings dismissing Counts I-III of the Complaint for failure to state claims upon which relief can be

granted, and Plaintiff Carol Belle and Defendant Sunbeam have agreed to dismissal of Counts I-III of the Complaint with prejudice,

IT IS HEREBY STIPULATED AND AGREED between Plaintiff Carol Belle and Defendant Sunbeam that Counts I, II and III of the Complaint be dismissed with prejudice.

So stipulated:

Dated: November 11, 2009

/s/ George E. McLaughlin  
George E. McLaughlin, Esquire  
Email: gmclaughlin@mhmlawfirm.com  
1890 Gaylord Street  
Denver, Colorado 80206-1211  
Tel: (303) 399-6037  
Fax: (303) 322-3423  
Attorney for Plaintiff Carol Belle

/s/ Thomas L. Vitu  
Stephen T. Moffett (P32274)  
smoffett@mdaal.com  
Thomas L. Vitu (P39259)  
tvitu@mdaal.com  
MOFFETT, VITU, LASCOE & PACKUS, PC  
Attorneys for Defendant  
255 E. Brown Street, Suite 340  
Birmingham, MI 48009  
Tel.: (248) 646-5100  
Fax: (248) 646-5332  
Attorneys for Defendant Sunbeam Products, Inc.

**ORDER DISMISSING COUNTS I, II and III of  
PLAINTIFF'S COMPLAINT WITH PREJUDICE**

IT IS HEREBY ORDERED that Counts I, II and III of the Complaint are dismissed with prejudice.

S/Robert H. Cleland  
ROBERT H. CLELAND  
UNITED STATES DISTRICT JUDGE

Dated: November 18, 2009

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, November 18, 2009, by electronic and/or ordinary mail.

S/Lisa Wagner

Case Manager and Deputy Clerk

(313) 234-5522

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on November 11, 2009, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record or *pro se* parties identified on the attached Service List in the manner specified, either via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing.

/s/Thomas L. Vitu

**SERVICE LIST**

**ATTORNEYS FOR PLAINTIFF:**

Ronald M. Applebaum (P45199)  
Email: Rapplebaum@cweinerassociates.com  
3000 Town Center, Suite 1800  
Southfield, MI 48075  
(248) 351-2200

**OF COUNSEL FOR DEFENDANT:**

Thomas A. Smart  
Richard A. De Sevo  
Tricia M. Beckles  
KAYE SCHOLER LLP  
425 Park Avenue  
New York, NY 10022  
Tel: (212) 836-8000  
Fax: (212) 836-8689

